

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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| UNITED STATES OF AMERICA, Plaintiff, vs. SHAWN PATRICK LEACH, Defendant. | 4:16-CR-40073-01-KES NOT GUILTY BY REASON OF INSANITY VERDICT AND ORDER FOR § 4243 EVALUATION |
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On October 11, 2017, this court conducted a court trial of the case as the defendant, Shawn Patrick Leach, waived his right to a jury trial. Following receipt of exhibits and based on two forensic psychiatric or psychological evaluations of defendant, this court found defendant “not guilty only by reason of insanity” under 18 U.S.C. § 17, in that there was clear and convincing evidence that defendant, “as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts.” 18 U.S.C. § 17(a); *see United States v. Hiebert*, 30 F.3d 1005, 1007 (8th Cir. 1994). This court made oral findings of fact and conclusions of law at the close of the court trial.

Under 18 U.S.C. § 4243(a), “[i]f a person is found not guilty only by reason of insanity at the time of the offense charged, he shall be committed to a suitable facility until such time as he is eligible for release pursuant to

subsection (e).” Section 4243(b) requires this court to order a psychiatric or psychological report to be filed with the court and to conduct a hearing within 40 days of the verdict on whether this defendant’s release “would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect.”

Thus, it is hereby

ORDERED that for the reasons contained in the findings of fact and conclusions of law made orally on the record, the verdict in this case is that defendant is not guilty only by reason of insanity of both counts of the Indictment.

IT IS FURTHER ORDERED that defendant Shawn Patrick Leach, under 18 U.S.C. § 4243 and 4247(b), is committed to the custody of the Attorney General for a reasonable time not to exceed thirty days (unless extended under § 4247(b)) for the completion of an evaluation and report under § 4247(c) and specifically under § 4247(c)(4)(C) of whether defendant is suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, as well as any recommendations for release or conditional release.

IT IS FURTHER ORDERED that the psychiatrist or psychologist who examines defendant report the results of the examination to the United States District Court for the District of South Dakota, The Honorable Karen E. Schreier, 400 S. Phillips Avenue, #233, Sioux Falls, SD 57104; to Tamara

Nash, Assistant United States Attorney, United States Attorney's Office, PO Box 2638, Sioux Falls, SD 57101, at telephone number (605) 357-2343; and to Jason J. Tupman, Attorney for Shawn Patrick Leach, Office of the Federal Public Defender, Districts of South Dakota and North Dakota, 200 West 10th Street, #200, Sioux Falls, SD 57104, at telephone number (605) 330-4489.

IT IS FURTHER ORDERED that the examination be done at the Federal Correctional Institution, Englewood, in Littleton, Colorado, where a prior forensic evaluation of defendant recently occurred.

IT IS FURTHER ORDERED that the United States Marshal Service handle the transport of Leach.

DATED this 11th day of October, 2017.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE